

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ZS ASSOCIATES, INC., et al.

v.

SYNYGY, INC.

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CIVIL ACTION  
NO. 10-4274

ORDER

AND NOW, this 23rd day of May, 2011, after consideration of defendant's motion to dismiss, plaintiffs' response, defendant's reply and the supplemental briefs by both parties, it is ORDERED that defendant's motion to dismiss is GRANTED IN PART and DENIED IN PART as follows:

- (1) Defendant's motion is GRANTED insofar as plaintiffs intend to base their Lanham Act claim upon the assertion that defendant falsely attributed the authorship of plaintiff's products to itself;
- (2) In all other respects, defendant's motion is DENIED.

It is FURTHER ORDERED that this case is CONSOLIDATED for all purposes with the case docketed at Civil Action Number 07-03536.

/s/ THOMAS N. O'NEILL, JR.  
HON. THOMAS N. O'NEILL, JR., J.